

REMARKS

Consideration of the amendments and elections presented herein is respectfully requested. This communication is in response to the Office action dated October 05, 2007, setting an extendable one month period for response. A separate petition for a one-month extension of time accompanies this amendment. This paper is therefore timely filed.

Entry of the amendments provided herein is respectfully requested.

I. Amendments to the Specification

The amendments to the specification are to correct minor word-processing errors.

Specifically, paragraph [0010], page 4, line 3 thereof, has been amended to replace "as" with --has--.

Paragraph [0100], page 24, had been amended to delete redundant language in the last sentence thereof.

Paragraph [0103], page 51, has been amended to correct an inadvertent word-processing error. Specifically, "0.1 N HCl" in the second row of Table 5 has been replaced with --Deionized Water--. Support for this amendment is found in paragraph [0103], first sentence.

Paragraph [0130], page 36, has been amended to delete extraneous language.

No new matter has been added to the specification by virtue of the amendments presented above.

II. Amendments to the Claims

Status of the claims.

Claims 1-20, and 22-16 are pending.

Claim 21 is cancelled.

Amendments

The claims have been amended solely to clarify certain features.

Claim 1 has been amended to more concisely recite the features of the method and the dosage form administered. Support for an extended release dosage form is found, for example, in the specification at page 4, paragraph [0010], line 4 thereof. Support for a dosage form consisting of a single matrix is found in the specification, for example, at page 4, paragraph [0010], line 6, and at paragraph [0028], page 9, lines 1-2. Claim 1 has also been amended to recite the meaning of erosion rate and dissolution rate; support for such terms is found, for example, in the specification at page 4, paragraph [0012], lines 3-6 thereof.

Claims 2-3 have been amended to conform to the language of independent claim 1.

Claims 4-10 have been amended to more clearly recite release of active agent from the dosage form.

Claims 9 and 10 have been amended to provide proper antecedent basis for the volume percents recited.

Claim 18 has been amended to more clearly recite orally administering of ciprofloxacin to a patient in a fed mode. Support for this amendment is found in claim 1.

Claim 22 has been amended to depend from claim 1, and to conform to the language thereof.

Claims 23 and 24 have been amended to conform to the language of claim 22 from which each either directly or indirectly depends.

New claim 25 recites an active agent that possesses an aqueous solubility that decreases with increasing pH. Support for such amendment is found in the specification, for example, at paragraph [0051], page 14, last sentence thereof.

New claim 26 recites a feature of a dosage form, in which, following administration and gastric retention, the dosage form passes into the lower gastrointestinal tract, whereby active agent remaining in the dosage form is insoluble and unavailable for absorption. Support for this feature is found in the specification, for example, at paragraph [0011], page 4, last sentence thereof.

No new matter has been added to the claims by virtue of the amendments presented herein.

III. Response to Restriction Requirement and Election of Species

The Examiner has required restriction of the claims in the instant application under 35 U.S.C. §121. Specifically, the Examiner has stated that this application contains patentably distinct claims directed to the following: (a) a method of delivering an active agent, and (b) a method for selecting an optimized dosage form.

In response to this restriction, the Applicant elects the claims of Group (a), directed to a method of delivering an active agent, without traverse.

The Examiner has further required election of a single disclosed species of active agent to begin prosecution on the merits to which the claims shall be restricted if no generic claim (e.g., Claim 1) is finally held allowable. By way of response, the Applicant elects to begin prosecution on the following species: ciprofloxacin.

It is to be understood that the foregoing election of species is for the purposes of preliminary search and examination only, and that upon the finding of an allowable generic claim, the Applicant will be entitled to consideration of claims directed to additional species.

The following claims are readable on the elected species:

Claims 1-14, 18-20, 22-26.

III. Conclusion

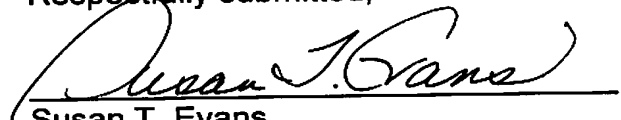
In view of the foregoing, the Applicant submits that the claims pending in the application are now in condition to commence prosecution on their merits.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 838-4406.

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PERKINS COIE LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114
Tel: (650) 838-4406 / Fax: (650) 838-4350

Respectfully submitted,


Susan T. Evans
Registration No. 38,443